

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 261 – HB 939

March 21, 2017

**SUMMARY OF ORIGINAL BILL:** Requires a party to a workers' compensation (WC) claim who is dissatisfied or aggrieved by a compensation order from the Court of Workers' Compensation Claims to file an appeal first with the Workers' Compensation Appeals Board (Appeals Board) and then, if dissatisfied or aggrieved by a final judgment, a party may file a discretionary appeal to the Tennessee Supreme Court.

Changes the standard upon which the Appeals Board may reverse or modify or remand a decision of a workers' compensation judge.

Gives the Court of Worker's Compensation jurisdiction over contested physician fees and charges of hospitals under Tenn. Code Ann. § 50-6-226(a)(4) and appeals of decisions of the Claims Commission involving injury or death to members of the National Guard.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - \$7,500/Bureau of Worker's Compensation  
Decrease State Revenue - \$2,500/Department of Treasury

Increase State Expenditures - \$7,500/Bureau of Worker's Compensation  
Decrease State Expenditures - \$2,500/Department of Treasury

IMPACT TO COMMERCE OF ORIGINAL BILL

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (005419):** Deletes language of the original legislation that gives the Court of Worker's Compensation jurisdiction over contested physician fees and charges of hospitals under Tenn. Code Ann. § 50-6-226(a)(4) and appeals of decisions of the Claims Commission involving injury or death to members of the National Guard.

Adds language that specifies that appeals that are currently heard by the Claims Commission will remain under the jurisdiction of the Claims Commission.

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## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

### **NOT SIGNIFICANT**

Assumptions for the bill as amended:

- The provisions of this legislation will require all (WC) appeals to go before the Appeals Board prior to the Tennessee Supreme Court.
- The Bureau of Workers Compensation (BWC) reports a total of six appeals of post-reform workers' compensation claims appealed directly to the Tennessee Supreme Court since 2014.
- Due to the infrequency of direct appeals to the Tennessee Supreme Court, requiring WC appeals to first be heard by the Appeals Board will not result in a significant impact to the BWC or the Tennessee Supreme Court.
- Changing the standard in which the Appeals Board may reverse or modify or remand a decision of a workers' compensation judge is not expected to impact revenue or expenditures of the BWC.
- The BWC and the Department of Treasury both indicate the provisions of the legislation will not impact the current total number of cases heard by the Appeals Board or the Claims Commission.

## **IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:**

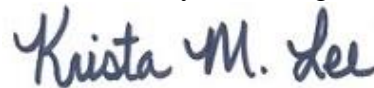
**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- The provisions of the legislation are not anticipated to impact commerce or jobs in Tennessee.
- Worker's Compensation premiums are not expected to be impacted by the provisions of the legislation.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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